

The office action communication of September 11<sup>th</sup> 2006 cited 35 U.S.C (b) as the basis for the rejection of claims 2 and 3 as being anticipated by Newbold Patent Number 2,650,678.

Granted, The Linear Motion Ad and Partition Panel or “L-MAP” (registration No. 10/766,548) share elements of conceptual identity with Newbold, in that they are both designed to separate orders at a checkout counter through the introduction of a vertically suspended barrier which travels along a horizontal plane to achieve the aforementioned separation.

However, I respectfully submit that The Linear Motion Ad and Partition Panel (registration No. 10/766,548) here after referred to as the “L-MAP,” demonstrates a variety of new and useful improvements over that of its predecessor hereafter referred to as “Newbold.”

These improvements are primarily reflected within the overall product design, including a drastic reduction in the number of parts, along with the ease and efficiency with which the “L-MAP” performs and operates over “Newbold”.

Additionally, please consider the following. Among the most notable of the new and useful improvements over “Newbold”, incorporates the function of a partition panel with a checkout counter conveyor belt, thus eliminating the need for a “pull bar” as disclosed by “Newbold” along with an array of massive collateral structural elements.

Unlike “Newbold”, it is through the elimination of these components that allows the “L-MAP” to be installed and operate in todays’ product packed structurally challenging checkout counter environment!

And finally, whereas the “Newbold” order dividing member is limited to vertical application, the “L-MAP” turret allows for additional lateral movement, enabling the aforementioned dividing member to rotate in and or withdrawn from the checkout counter as needed.

The office action summary of September 11, 2006 cited 35 U.S.C 103 (a) in its rejection of claims (1) and (4).

The Linear Motion Ad and Partition Panel, hereafter referred to as the “L-MAP” (registration No. 10/766,548) and Misaresh, (Patent No. 5,933,994) here after referred to as Misaresh, share the same concept of creating a device with the dual capacity to separate purchase items at a checkout counter, while simultaneously serving as medium for the purpose of promoting various consumer goods and services.

Where they differ lies in the specific methodology, product design and resulting effectiveness of the means by which they approach the previously stated objectives. With that in mind, please consider the following new and useful alternative approach as set forth by the “L-MAP”, over that of its predecessor Misaresh.

First and perhaps foremost, the “L-MAP” is designed to serve as a miniature billboard, supplying over twice the surface area to accommodate promotional materials above and beyond that of Misaresh. Here is a case where such an appreciable difference in size matters. It is particularly significant to advertisers, in that the “L-MAP” offers greater flexibility in the size and use of fonts along with graphics or any other visual means to maximize the commercial impact on consumers.

Additionally, the “L-MAP’s” method displaying promotional material is in stark contrast to that of Misaresh. Unlike Misaresh, “L-MAP” ads are always presented in an upright vertical position, while suspended over a checkout counter by means of a rail supported partition panel (registration no. 10/766,548 fig.2) thereby providing a more effective format for viewing promotional materials along with a more discernable separation of purchase items at a checkout counter.

Moreover even when not in use, the “L-MAP’s” generously proportioned partition panel prominently displays promotional materials by maintaining the same upright vertical position at a checkout counter (registration no.10/766,548 fig. 1) while Misaresh essentially teaches a hollow transparent free-standing structure comprising end caps for the purpose of loading and housing promotional materials,(patent no. 5,933,994 fig.4 part 44) the “L-MAP” consistently features a more mechanically sophisticated and overall superior approach to that of Misaresh.

In spite of the related field of application and components which could reasonably be interpreted as counterparts, I respectfully submit that the intellectual process which led to the “L-MAP” should not in any manner be misconstrued as a co-opting of Misaresh. The feature in question did in fact evolve as a unique progression in creatively allowing the “L-MAP’s” partition panel surface to double as an advertising vehicle through additional original design implementation.

The office action communication of September 11, 2001 objected to claims 1-4 (line 1 of each claim). The objections were made in reference to grammatical informalities. Appropriate corrections have been made in subsequent amended claims.

The office action communication of September 11, 2001 also objected to claims 1 and 3 under 35 U.S.C 112.

Appropriate corrections have been made in subsequent amended claims.